IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 5791 OF 1999.

Shri Suresh Govind Bokade,
C-303, M.S.F.C. Quarters,
270, Bhamburda,
Senaparti Bapat Marg,
Pune-411 016..... ..... Petitioner.

V/s

1. State of Maharashtra,
2. The Managing Director,
M.S.F.C. Ltd., Pune..... ..... Respondents.

Mrs.Poonam Mahajan for the petitioner.

Mr.S.R. Nargolkar, AGP for respondent No.1-State.

Mr.S. R. Nargolkar with Mr.P. M. Patil for respondent No.2.

CORAM: V.G. PALSHIKAR
AND
SMT.NISHITA MHATRE, JJ.

9-2-2005.

Oral Judgment: (**Per Palshikar, J.**)

By this petition the petitioner has prayed for a direction to the respondent-Maharashtra State Farming Corporation (hereinafter referred to as "Corporation") grant the grade of Rs.750-40-1150 to the petitioner from 21.6.1982 to 1.2.1994 on the ground that he during that period working as Personal Assistant to the Managing Director of the Corporation.

2. This claim is contested by the Corporation by filing a detailed reply wherein it is pointed out that when the Corporation decided to implement recommendations of the Bhole Pay Commission with effect from 1.4.1976, the Government Resolution permitting the Corporation to do so prescribed the scale of Rs.750-40-1150 for the post of Selection Grade Stenographer. The petitioner was not at the relevant time functioning as Selection Grade stenographer and was therefore not entitled to the scale of Rs.750-1150. It was contended that neither the Corporation nor the Government ever approved grant of that scale of Rs.750-1150 to the petitioner because he was working as Personal Assistant to the Managing Director. Then placing relying on various resolutions it was pointed out that the petitioner was entitled to the scale which has been rightly given to him and therefore no interference is called for in this petition. It is also contended that the petitioner was not entitled to the scale of Selection Grade because he did not possess degree of any recognised University as required under the Rules for appointment as stenographer.

3. We have scrutinized the submissions made by rival parties and have gone through the resolutions issued by the State of Maharashtra from time to time as also by the Corporation. The fact that the petitioner is not a graduate is not disputed. Merely because he has worked on a post of Personal Assistant to the Managing Director he cannot claim as a matter of right grant of that scale. Heavy reliance was placed by the learned counsel for the petitioner on a Judgment in Writ Petition No.6139 of 1998 (*S.S.Paradkar* V/s *State of Maharashtra & Another*). But that judgment is obviously liable to be distinguished as the facts on the basis of which that judgment was delivered

are entirely different than the facts in the present case. In our opinion, therefore, there is no substance in the petitioner and the same is dismissed.